

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-19, 66 and 68 are pending in the application, with claim 1 being the independent claim. Claims 20-26, 54-65, 67 and 69 are sought to be cancelled without prejudice to or disclaimer of the subject matter therein. The specification has been amended to correspond to the amendments to the drawings, submitted herewith. Descriptive support for the amendments is found in the specification as filed. The amendments are believed to introduce no new matter, and their entry is respectfully requested.

Claims 1-19¹, 66 and 68 stand rejected under 35 U.S.C. § 103(a) as being anticipated by U.S. Patent No. 6,256,964 to Drevfors (hereinafter "Drevfors") in view of U.S. Patent No. 5,860,461 to Helmut (hereinafter "Helmut").

Based on the above amendment and the following Remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and they be withdrawn.

I. Formal Drawings are Submitted Herewith

Applicant submits herewith formal drawings by way of replacement sheets. Applicant respectfully requests that the Examiner acknowledge the receipt and acceptance of these formal drawings. All objections to the drawings have been overcome and therefore, Applicant requests that the Examiner withdraw the objections to the drawings.

II. Claims 1-19, 66 and 68 are Patentable over Drevfors in view of Helmut

Claims 1-19, 66 and 68 stand rejected under 35 U.S.C. § 103(a) as being anticipated by Drevfors in view of Helmut. For the following reasons, this rejection is respectfully traversed.

Independent claim 1 recites the step of "holding the sterilizing vapour on the inside of the package for a sufficient amount of time to sterilize the inside of the package by configuring the

¹ The Office Action does not include a specific rejection of claim 9 but does indicate that claim 9 stands rejected on the Office Action Summary. In a telephone call with Applicant's representative on December 12, 2005, Examiner Truong indicated that claim 9 was to be included in the rejection under 35 U.S.C. § 103(a) at paragraph 4 of the Office Action.

membrane to be disposed in the first position.” Drevfors and Helmut, taken alone or in combination, fail to disclose or even fairly suggest this recitation of claim 1.

Drevfors discloses a method for the aseptic handling, filling and sealing of packaging containers. *See* col.2, ll.23-27. The method disclosed by Drevfors allows for each container to be transported to a filling site in its closed state. Upon arriving at the filling site, the closure device may be opened, the packaging container may be sterilized and filled and the container may be “re-closed by means of the same closure device.” *See* col.2, ll.51-61. The closure device is not replaced on the packaging container until after the container has been filled. *See* col.4, ll.58-65.

The Examiner alleges that Drevfors discloses “holding [] sterilizing vapour on the inside of the package for a sufficient amount of time to sterilize the inside of the package,” Drevfors does not disclose “holding [] sterilizing vapour on the inside of the package for a sufficient amount of time to sterilize the inside of the package . . .,” as recited by claim 1 of the present invention.

Rather, Drevfors discloses that the vertically reciprocating pipe 9 (used to deposit the sterilization agent) may be fed into the package where it sprays a sterilization agent and may then be removed from the package. *See* col.4, ll.44-47. There is no discussion in Drevfors about holding any sterilizing vapour on the inside of the package (and the Examiner has not pointed to any specific portion of the Drevfors disclosure to support his position). Further, it is not possible for Drevfors to hold sterilizing vapour inside of the package because, as stated above, the package is not re-sealed between sterilization and filling. Thus, any vapours from the sterilization agent are capable of escaping through the opening of the package.

Additionally, Helmut fails to cure this deficiency of Drevfors. Rather, Helmut actually discloses releasing sterilizing vapour from the package. Specifically, Helmut discloses:

The containers 8 can be delivered presterilized and in customary fashion to the processing head 52 of FIG. 12, several of which may be provided on a sealing machine of a customary, carousel-like rotating design. Pre-sterilization [sic] can be carried out by blowing in hot or superheated steam or, for instance, H₂O₂. Steam or gas can escape through the still open mechanical seal 39 on the way from the sterilization device to the processing head 52. Once the filling and sealing processes

are completed, the bottle is ready for dispatch (apart from labeling, which may still have to be carried out).

See col.8, ll.28-39. Based on this disclosure in Helmut, the ordinarily skilled artisan would not hold the vapour in the container using the mechanical seal as disclosed in the Helmut patent. Thus, Helmut does not recite the step of “holding the sterilizing vapour on the inside of the package for a sufficient amount of time to sterilize the inside of the package by configuring the membrane to be disposed in the first position,” as recited by claim 1 of the present invention.

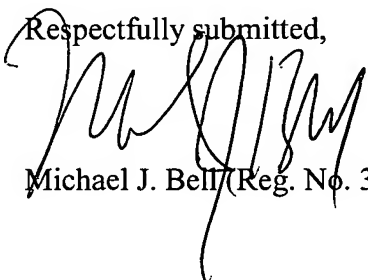
Because Drevfors and Helmut, taken alone or in combination, fail to disclose or suggest the claimed apparatus including the step of “holding the sterilizing vapour on the inside of the package for a sufficient amount of time to sterilize the inside of the package by configuring the membrane to be disposed in the first position,” claim 1 is allowable over Drevfors in view of Helmut. Claims 2-19, 66 and 68 depend from claim 1 and are allowable for at least these reasons. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection of claims 1-19, 66 and 68 under 35 U.S.C. § 103(a).

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,



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Date: January 5, 2006

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